

III. REMARKS

Claims 1-13 are pending in this application. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Furthermore, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is requested.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cilurzo et al. (U.S. 6,434,526), hereinafter “Cilurzo”, in view of Mishelevich et al. (U.S. 6,434,547), hereinafter “Mishelevich”. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cilurzo, in view of Mishelevich and in further view of Frison et al. (U.S. 6,049,789), hereinafter “Frison.”

With respect to claim 1, Applicants submit that Cilurzo fails to disclose each and every feature of the claimed invention as is required under 103(a), and Frison does not remedy this glaring deficiency in Cilurzo. For example, Cilurzo and Frison do not teach or suggest processing the received input information wherein the processing comprises *determining one of a number of words in the dictation and a number of edition operations during a transcription of the dictation.* (emphasis added)(See claim 1, as similarly recited in claims 6 and 10.)

Interpreting Cilurzo only for the purposes of this response, Applicants submit that Cilurzo merely discloses speech recognition software in combination with application

specific software on a communications network. Abstract. There is simply no teaching, or suggestion, in Cilurzo of any type of determination of number or words and/or number of edition operations during a transcription process whatsoever. In fact, the Office admits this deficiency in Cilurzo. “Cilurzo et al. did not teach a system which determines the number of words being transcribed or the number of correction made.” (sic) Office Action, page 4, item 3.

The Office then turns to Mishelevich, specifically citing column 3, lines 1-3 and 30-67 of Mishelevich, for disclosure of this limitation. The Office, in referring to Mishelevich, alleges at the end item 3 on page 4 of the Office Action:

“According to Mishelevich et al., data being entered is quantified as points (column 3, lines 1-3, 30-67). Therefore, it would have been obvious for one skilled to provide voice-to-text software/service that includes word count because, according to Mishelevich et al., such feature would facilitate the billing service of the system (column 3, lines 9-10).”

Even assuming *arguendo* that the first sentence from the above quotation is accurate, the second conclusory sentence in the quotation made by the Office (above) is completely without merit. There is nothing in Mishelevich, either explicit or implicit, that shows a teaching of determining number of words in a dictation and/or number of edition operations during a transcription of the dictation. Word count and/or counting edits during transcription is not considered in Mishelevich because the point system of Mishelevich is merely used to quantify/qualify the work associated with obtaining information, typically in a doctor/patient environment, and is wholly unrelated to

transcription services. As explained in the paragraphs found at column 11, lines 23-67, and column 12, line 1-37, the point system of Mishelevich is related to how well a doctor, typically, examines/obtains information from a patient and how appropriately and efficiently this information is dictated. “Points are allocated to the entered data to facilitate subsequent decision making.” Abstract. “The points or other quantitative measure of the data input may serve to measure the qualitative and quantitative value of tasks performed by a user. For instance, a physician examining a patient, may be given points based on extensiveness of the patient evaluation and the complexity of the diagnosis. He may also be given points based on the severity of the patient’s illness or the amount of expertise required of the physician.” Col. 3, lines 11-18. “[A]ssociated with one or more points depending on the quantity of quality of **the work associated with obtaining such information.**” (emphasis added) Col. 11, lines 25-27. As discussed throughout Mishelevich, the point system is related to the level of quality/quantity of work done (e.g., medical examinations) by doctors. There is nothing in these sections, or Mishelevich as a whole, to suggest that the edition operations and/or word counting is done, nor is it further suggested to relate this type of quantification to automatic payment of a software license fee whatsoever. So even assuming *arguendo* that it is obvious to combine Mishelevich with Cilurzo, to do so would not anticipate the claimed invention.

Accordingly, Applicants submit that there is no disclosure or suggestion in either Cilurzo or Frison of a method that includes a step comprising determining one of a

number of words in the dictation and a number of edition operations during a transcription of the dictation, with respect to claim 1. Therefore, Applicants respectfully request withdrawal of the rejection.

In the Office Action, independent claims 6 and 10 are rejected under the same rationale as claim 1. As a result, Applicants herein incorporate the arguments submitted above with respect to claim 1. Accordingly, Applicants respectfully request withdrawal of the rejection.

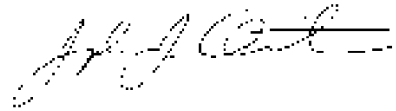
With respect to dependent claims 2-5, 7-9 and 11-13, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. The dependent claims are believed to be allowable based on the above arguments, as well as for their own additional features.

Further, in the Office Action the Office provides its own interpretation of the invention in the first full paragraph on page 3 of the Office Action. In response, Applicants respectfully traverse the statements made in the referenced paragraph and the “interpretation” made by the Office therein. Applicants merely wish to carefully point out that the claimed invention speaks for itself *in the claims*, as written, and that any statements of interpretation, summaries of what the invention is ‘about’, and/or synopses of the invention should be carefully made and not accepted as a substitute for the actual claims, as written.

IV. CONCLUSION

In light of the above remarks, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



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Joseph J. Christian
Reg. No.: 51,560

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044